

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN MCPHERSON,

Plaintiff,

v.

PATRICIA CARUSO, BLAINE LAFLE, BARBARA MEAGHER, JOHN KERNEY, DIANA MARBLE, JOHN DOE and JANE DOE,

Defendants.

Case No. 2:09-cv-11766

HONORABLE STEPHEN J. MURPHY, III

ORDER AFFIRMING AND ADOPTING REPORT AND RECOMMENDATION (docket no. 34), GRANTING DEFENDANTS MOTION TO DISMISS (docket no. 30), and GRANTING DEFENDANTS MOTION FOR SUMMARY JUDGMENT (docket no. 19)

This is a civil rights action under 42 U.S.C. § 1983 in which plaintiff, John McPherson, alleges that defendants Patricia Caruso, Blaine Lafler, Barbara Meagher, John Kerney and Diana Marble were deliberately indifferent to his medical needs in violation of the Eighth Amendment. Before the Court is a motion to dismiss by Kerney and Marble (the “CMS Defendants”), filed on October 20, 2009, a motion for summary judgment by Caruso, Lafler and Meager (the “MDOC Defendants”), filed on August 20, 2009, and the Report and Recommendation of Magistrate Judge Randon, filed on January 15, 2010. The magistrate judge’s report and recommendation recommended that both motions be granted and the case be dismissed. The magistrate judge also notified the parties that any objections must be filed within fourteen days of service. No party has filed objections to the report and recommendations.

The Court’s standard of review for a magistrate judge’s report and recommendation depends upon whether a party files objections. If a party does not object to the report and

recommendation, the Court does not need to conduct a review by any standard. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge Randon's report and recommendation, see 28 U.S.C. § 636(B)(1)(c); Fed. R. Civ. P. 6(e), this Court need not and will not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation (docket entry 34) is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that defendants' motion to dismiss (docket entry 30) is **GRANTED**;

IT IS FURTHER ORDERED that defendants' motion for summary judgment (docket entry 19) is **GRANTED**;

IT IS FURTHER ORDERED that this case is **DISMISSED**.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: March 5, 2010

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 5, 2010, by electronic and/or ordinary mail.

Alissa Greer
Case Manager